

TODD A. NOAH (SBN 152328)
PAUL K. TOMITA (SBN 188096)
DERGOSITS & NOAH LLP
Four Embarcadero Center, Suite 1450
San Francisco, California 94111
Tel: (415) 705-6377
Fax: (415) 705-6383
E-mail: tnoah@dergnoah.com
ptomita@dergnoah.com

Attorneys for Plaintiff MMJK, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MMJK, INC.

Plaintiff,

vs.

ULTIMATE BLACKJACK TOUR, LLC

) Case No. C 07 03236 BZ

) **OBJECTIONS OF PLAINTIFF MMJK,**
) **INC. TO EVIDENCE PROFFERED BY**
) **DEFENDANT ULTIMATE BLACKJACK**
) **TOUR, LLC.**

) **Date: August 15, 2007**

) **Time: 10:00 a.m.**

) **Location: Courtroom G**

) **Honorable Bernard Zimmerman**

1 Plaintiff MMJK, Inc. (“MMJK”) hereby objects to the evidence proffered by Defendant Ultimate
2 Blackjack Tour, LLC (“UBT”) in support of its motion for preliminary injunction as follows:

3 **OBJECTIONS TO DECLARATION OF SANFORD I. MILLAR**

4 1. MMJK objects to the following sentence on page 2, lines 1 through 2:

5 “Finally, I will discuss the fact that Plaintiff’s website www.bet.zip.com is likely an
6 illegal gambling site.”

7 The grounds for this objection are lack of foundation for personal knowledge and improper lay
8 opinion. Federal Rules of Evidence 104 and 701.

9
10 **Sustained:** _____

Overruled: _____

11
12 2. MMJK objects to the following sentence on page 2, lines 5 through 7:

13 “I am aware that Plaintiff is in no position realistically to capture any share of the market
14 if this Court enjoins our business as requested in Plaintiff’s motion.”

15 The grounds for this objection are lack of foundation for personal knowledge and improper lay
16 opinion. Federal Rules of Evidence 104 and 701.

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18 **Sustained:** _____

Overruled: _____

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20 3. MMJK objects to the following sentence on page 3, lines 25 through 27:

21 “If this injunction is granted, CBS will likely elect not to air the show or not to air
22 commercials advertising www.ClubUBT.com. All of this will then also have a chilling
23 effect on all advertisers and on “Club” membership growth.”

24 The grounds for this objection are lack of foundation for personal knowledge and improper lay
25 opinion. Federal Rules of Evidence 104 and 701.

26
27 **Sustained:** _____

Overruled: _____

4. MMJK objects to the following sentence on page 4, lines 3 through 5:

“Any delay in getting our product to market, to say nothing of the delay caused by a preliminary injunction, will absolutely cause substantial lost revenue, excessive expenses, lost reputation and lost goodwill.”

The grounds for this objection are lack of foundation for personal knowledge and improper lay opinion. Federal Rules of Evidence 104 and 701.

Sustained: _____

Overruled: _____

5. MMJK objects to the following sentence on page 4, lines 19 through 22:

“Our combined losses as a result of an injunction would be in excess of \$15 million, composed as follows: television production and related expenses of \$6 million, lost advertising revenue and barter value, overhead cost, marketing and redesigning totaling an additional \$9 million.”

The grounds for this objection are lack of foundation for personal knowledge and improper lay opinion. Federal Rules of Evidence 104 and 701.

Sustained: _____

Overruled: _____

6. MMJK objects to the following sentence on page 5, lines 2 through 4:

“If law enforcement in fact determines that AMOE is illusory because it is more beneficial for the customer to pay to play then prohibition is unlikely. The AMOE must have “equal dignity” with the paid entry.”

The grounds for this objection are lack of foundation for personal knowledge and improper lay opinion. Federal Rules of Evidence 104 and 701.

Sustained: _____

Overruled: _____

1 7. MMJK objects to the following sentence on page 6, lines 2 through 3:

2 “Therefore, Plaintiff is likely operating an illegal gambling site.”

3 The grounds for this objection are lack of foundation for personal knowledge and improper lay
4 opinion. Federal Rules of Evidence 104 and 701.

5
6 **Sustained:** _____

Overruled: _____

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9 Dated: August 1, 2007

DERGOSITS & NOAH LLP

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11 By: /s/ Todd A. Noah

12 Todd A. Noah

13 Attorneys for Plaintiff MMJK, INC.
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